

VIRGINIA: IN THE CIRCUIT COURT OF THE CITY OF NORFOLK

FIFTH ORDER CONCERNING JUDICIAL EMERGENCY

The Chief Justice of the Supreme Court of Virginia having entered an Order dated May, 6, 2020, extending the judicial emergency through June 7, 2020, it is hereby ORDERED that, except as herein modified, this Court's Order and Second, Third, and Fourth Orders Concerning Judicial Emergency of March 17, 19, and 30, and April 23, 2020, are extended through June 7, 2020.

The Chief Justice's Order admonishes courts to continue to conduct as much business as possible by means other than in-person court proceedings. The Order encourages courts "to continue and even increase the use" of technologies that do not involve in-person contact. Therefore, even as the Court expands the types of hearings that may be scheduled effective May 18, 2020, the Court expects counsel and litigants to consider as their first and best option, that their matter be scheduled for a videoconference or telephone hearing. Although the Court has previously limited such hearings to those matters not requiring the presentation of evidence, the Court does not impose such restrictions going forward and encourages counsel to avail themselves of technology to conduct a remote hearing even for matters requiring testimony from the parties or small numbers of witnesses.

CIVIL CASES

1. Any party may schedule any civil motion, demurrer, or special plea for a telephone or videoconference hearing. (Form Motion for Remote Hearing is attached and should be used for that purpose.) Once the Clerk's Office has assigned a date for the hearing, a judicial assistant will arrange the time for the hearing and will provide the link or the call-in number to be used for the conference.

2. The following matters may be scheduled with the Civil Clerk for in-court hearings:
- a. Any motion, demurrer, or special plea requiring the presence of no more than four party representatives (attorneys or *pro se* litigants) plus a court reporter. Counsel shall be limited to thirty minutes per hearing unless leave has been given in advance for a longer hearing.
 - b. Uncontested divorces when the defendant has signed a waiver and the parties do not reside at the same address. The Clerk shall schedule divorces at twenty-minute intervals beginning at 1:00 p.m.
 - c. Pendente lite hearings involving only the parties and counsel, limited to no more than one hour per hearing, to be scheduled in the afternoon.
 - d. Custody appeals from the Juvenile and Domestic Relations District Court, limited to no more than one hour per hearing, to be scheduled in the afternoon.
 - e. Forfeitures where the defendant is not in custody and has failed to answer and the Commonwealth is seeking a default judgment.
 - f. Driver's license restoration petitions only for those eligible for full restoration where the Commonwealth Attorney agrees to full restoration and the Virginia Alcohol Safety Action Program is not involved with the petition.
 - g. Such other matters as the Court may allow for good cause shown.

CRIMINAL CASES

In addition to those cases described in this Court's original Order and Fourth Order Concerning Judicial Emergency, effective May 18, 2020, the Court will permit the following

types of cases to be scheduled for different times throughout the day (not all at 9:30 a.m. as in the past):

1. Felony guilty pleas for in-custody or out-of-custody defendants pursuant to plea agreements that call for a determinate sentence.

2. Probation violation hearings for in-custody or out-of-custody defendants where both counsel are in agreement as to the appropriate disposition of the violation and prepared to make a recommendation to the presiding judge (which recommendation may or may not be accepted by the Court).

3. Motions not requiring witness testimony when the defendant is in the custody of the Sheriff of Norfolk.

4. Motions to revoke bond.

5. Bench trials not requiring more than four persons, excluding counsel and court personnel, with all such matters to be scheduled in the afternoon. Counsel are strongly encouraged to stipulate to witness testimony in order to reduce the number of witnesses. Additional witnesses required for such matters must appear remotely.

6. Guilty pleas for misdemeanor appeals.

7. Such other matters as the Court may allow, for good cause shown.

It is further ORDERED:

No Grand Jury will be held on June 3, 2020.

All criminal and civil jury and non-jury trials now scheduled through June 5, 2020, are continued.

All criminal scheduling conferences and counsel determination hearings currently set for June 3, 2020, are continued to June 17, 2020.

Criminal non-jury trials meeting the criteria described above (i.e., no more than four persons) may continue to be set with the appropriate docket clerk for dates beginning May 18, 2020. Other criminal non-jury trials may be set for dates beginning July 1, 2020.

Criminal jury trials may continue to be set with the appropriate docket clerk for dates beginning July 1, 2020; no such trials may be heard, however, until the Virginia Supreme Court authorizes Circuit Courts to resume jury trials.

Civil jury trials may continue to be set with the appropriate docket clerk for dates beginning August 1, 2020; no such trials may be heard, however, until the Virginia Supreme Court authorizes Circuit Courts to resume jury trials.

The civil scheduling conferences set on June 5, 2020, at 2:30 p.m. are continued to July 10, 2020, at 2:30 p.m.

The one-year no service returns scheduled for May 22, 2020, will be heard that day.

The Clerk is ORDERED to post a copy of this order on his website and at the entrance to the Courthouse. The Court has sent a copy of this order to the Norfolk-Portsmouth Bar Association for distribution to its members.

ENTER: May 13, 2020


CHIEF JUDGE

MOTION FOR REMOTE HEARING

Commonwealth of Virginia – rev. 04/16/2020

Case No. _____

Page: 1 of _____

☐ Circuit Court ☐ General District Court ☐ Juvenile & Domestic Relations District Court

It is the responsibility of the requesting party to ensure:

All parties and witnesses

have the ability to connect in the manner requested.

Case Names:

Petitioner/Plaintiff

Defendant/Respondent

Address

Address

Address

Address

Telephone Number

Telephone Number

Remote Mechanism Requested:

☐ Telephonic

☐ WebEx – Best used with a personal computer

☐ Polycom Virtual Meeting Rooms – Best used with other Polycom video equipment

Hearing Date Information

☐ Case currently set for _____

☐ Request hearing date. List attorneys'/parties' available dates:

Reason for remote hearing request: _____

Witnesses to be called: _____

Other parties to be called: _____

Parties appearing remotely: ☐ All ☐ _____

Evidence to be presented: ☐ None ☐ Documents ☐ Pictures ☐ Objects ☐ _____

Interpreter/Other Special Needs: ☐ None ☐ Yes – Explain _____

Requesting Party: _____ ☐ Petitioner/Plaintiff ☐ Defendant/Respondent

☐ Attorney ☐ Self-represented

COURT USE ONLY

ORDER

☐ Granted ☐ Denied ☐ Other _____

Judge _____ Entered _____

Contact Information for ALL Remote Participants

MOTION FOR REMOTE HEARING-Addendum

Commonwealth of Virginia – rev. 04/16/2020

Case No. _____

Page: ____ of ____

<input type="checkbox"/> Witness <input type="checkbox"/> Other _____ Name _____ Address _____ _____ Phone _____ Email _____	<input type="checkbox"/> Witness <input type="checkbox"/> Other _____ Name _____ Address _____ _____ Phone _____ Email _____
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CONFIDENTIAL INFORMATION – PLACE IN SEALED ENVELOPE